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EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,933

Applicant(s)

WEBB, GREGORY E.

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-13, 15, 17-32, 38-40, 44-50 and 52 is/are rejected.
- 7) ☒ Claim(s) 3, 14, 16, 33-37, 41-43 and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-52 are presented for examination.

Claim Objections

1. Claims 1-12 are objected to because of the following informalities: claim 1, line 21, delete "the customer" and substitute it by ----a customer----. Appropriate correction is required.

Claims 2-12 are objected for the same reason since they depend from an objected claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-13, 15, 17-32, 38-40, 44-50, 52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulesz et al. (US 6,930,596) in view of Naidoo et al. (US 6,658,091).

Regarding claim 1, Kulesz discloses a security system for providing a security service for monitoring a security status of at least one of a mobile asset and fixed a fixed asset globally to detect and respond to a security threat (col. 1, lines 20-44) comprising: an agent (nodes) (col. 13, line 50) connected with a corresponding one of the at least one of the mobile asset (node can be arranged

on ships, railcars, busses) (col. 13, line 50) and the fixed asset (nodes can be arranged on buildings) (col. 13, lines 61-63) comprising: a sensing device for monitoring at least one of a physical security and environmental security of the at least one of the mobile asset and the fixed asset (col. 14, lines 1-26); a processor for compiling at least one of physical security and the environmental security to generate security status (controllers can be programmed to send a signal in the event of a detection causing the fan to shutdown) (col. 16-26); a transceiver for transmitting a data from and receiving data to the agent (fig. 2; col. 14, lines 7-9); a computer system in communication with agent for receiving security status of at least one of the mobile asset and the fixed asset (fig. 2; col. 7, lines 51-61).

Kulesz discloses all the limitations above but fails to explicitly disclose a database for storing the received security status; a threat detection analysis software for analyzing the security threat based on a type of security threat detected; an output for performing the response in accordance with the process; and a method for billing the customer for the security service.

However, Naidoo discloses a database for storing the received security status (col. 13, lines 45-47; col. 16, lines 47-62); a threat detection analysis software for analyzing the security threat based on a type of security threat detected (col. 13, lines 15-50); an output for performing the response in accordance with the process; and a method for billing the customer for the security service (billing action) (col. 16, lines 46-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Naidoo in Kulesz. Doing so would modify Kulesz's system with Naidoo's system by arming and disarming the security system to monitor accurately premises thereby preventing malicious people from forfeiting their actions for the safety purposes as taught by Naidoo (col. 2, lines 15-52).

Regarding claim 2, Kulesz discloses a master control unit in communication with the agent for collecting the security status and retransmitting the security status to the computer system (fig. 2; col. 7, lines 51-61; col. 11, lines 37-54).

Regarding claim 4, Kulesz discloses agent includes at least one of a position guidance system and a receiver for receiving a position data, wherein the security status includes the position data (col. 5, lines 19-47).

Regarding claim 5, Kulesz discloses a master control unit in communication with the agent (fig. 1); and a server located at a global operations center in communication with the master control unit for sending and receiving data to and from the master control unit (col. 7, lines 51-61).

Regarding claim 6, Kulesz discloses the step of sensing device comprises an environmental sensor for monitoring an ambient air within the at least one of the mobile asset and the fixed asset to detect the security threat (col. 14, lines 3-26).

Regarding claim 7, Kulesz discloses sensing device comprises a chemical detector for detecting a chemical matter (col. 6, lines 21-22).

Regarding claim 8, Kulesz discloses sensing device comprises a biological detector for detecting a biological matter (col. 6, line 23).

Regarding claim 9, Kulesz discloses sensing device comprises a radiation detector for detecting a radioactive material (col. 6, lines 24-25).

Regarding claim 10, Kulesz discloses sensing device comprises a door position-sensing device for sensing an opening of at least one of a mobile asset door and a fixed asset door (building inherently included doors) (col. 13, lines 61-66).

Regarding claim 11, Kulesz discloses sensing device comprises a light-sensing device within at least one of the mobile asset and the fixed asset for sensing a luminescence level therein (harbor light 108) (col. 15, lines 21-38).

Regarding claim 12, Kulesz discloses a video recording device for recording within an exterior area surrounding the at least one of the mobile asset and the fixed asset (col. 13, lines 21-28).

Regarding claims 13, 26, Kulesz discloses a method for providing a security service for monitoring a security status of an asset (col. 1, lines 21-44); providing a computer system in wireless communication with an agent having a sensor for sensing at least one of a physical security and an environmental security of the asset, the agent connected with the asset (col. 14, lines 3-26; col. 7, lines 51-65); agent, processing a security data from sensor to generate the security status (col. 14, lines 21-

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26); agent, wirelessly transmitting the security data (col. 14, lines 7-21); computer system wirelessly receiving security status from agent (col. 14, lines 3-26); analyzing received security status to detect a security threat (col. 8, lines 34-57); following a security process to respond to detected security threat (col. 8, lines 44-48).

Kulesz discloses all the limitations above but fails to explicitly disclose generating a report from received security status and billing a customer for security service.

However, Naidoo discloses generating a report from received security status (col. 16, lines 27-32) and a method for billing the customer for the security service (billing action) (col. 16, lines 46-57).

Therefore; it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Naidoo in Kulesz. Doing so would modify Kulesz's system with Naidoo's system by arming and disarming the security system to monitor accurately premises thereby preventing malicious people from forfeiting their actions for the safety purposes as taught by Naidoo (col. 2, lines 15-52).

Regarding claims 15, 31, Kulesz discloses the step of receiving a notification from agent connected with asset when agent is initialized and agent transmitting security status to computer system (col. 8, lines 1-20).

Regarding claims 17, 32, Kulesz discloses receiving security status comprises receiving the status the security status at intervals (col. 9, lines 35-63).

Regarding claim 18, Kulesz discloses receiving the security status comprises receiving a digital image corresponding to at least one of an area surrounding the asset and an interior of the asset (col. 13, lines 18-26).

Regarding claim 19, Kulesz discloses receiving environmental data indicative of an environment within the asset to detect an environmental threat therein; and receiving physical condition data indicative of a physical condition of the asset to detect a tampering therewith (col. 14, lines 1-26).

Regarding claim 20, Kulesz discloses sensing device comprises a chemical detector for detecting a chemical matter (col. 6, lines 21-22).

Regarding claim 21, Kulesz discloses sensing device comprises a biological detector for detecting a biological matter (col. 6, line 23).

Regarding claim 22, Kulesz discloses explosive material is detected (col. 6, line 25).

Regarding claims 23-24, Kulesz discloses sensing device comprises a radiation detector for detecting a radioactive material (col. 6, lines 24-25).

Regarding claims 25, 27, Kulesz discloses sensing device comprises a door position-sensing device for sensing an opening of at least one of a mobile asset door and a fixed asset door (building inherently included doors) (col. 13, lines 61-66).

Regarding claims 28, 30, Kulesz discloses ventilation system in accordance with the security process (col. 14, lines 23-26).

Regarding claim 29, Kulesz discloses a lighting system in accordance with the security process (harbor light 108) (col. 15, lines 21-38).

Regarding claim 38, Kulesz discloses sending a request for an updated security status to the agent; and in response to sending the request for the updated security status, receiving the updated security status from the agent (col. 12, lines 12-47).

Regarding claim 39, Kulesz discloses providing a communication between an existing security device connected with fixed asset and computer system and computer system receiving a signal when exiting security device detects a threat (col. 14, lines 1-26).

Regarding claim 40, Kulesz discloses receiving a security status from a plurality of agents (fig. 1) and each one of the plurality of agents, monitoring a security status of an area within fixed asset (fig. 1; col. 14, lines 1-26).

Regarding claim 44, Kulesz discloses the confirm the detected security threat (col. 9, lines 45-47; col. 10, lines 47-61).

Regarding claim 45, Kulesz discloses the step of interrogating the agent to determine a security status of the asset (col. 10, lines 19-46).

Regarding claim 46, Kulesz and Naidoo disclose all the limitations in claim 13 and Naidoo further discloses receiving a security process from a client; storing the security process at the at least one server; and following the stored security process in response to the detected security threat (col. 6, lines 50-56; col. 13, lines 26-48). Thus, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to incorporate the teaching of Naidoo in Kulesz. Doing so would modify Kulesz's system with Naidoo's system by arming and disarming the security system to monitor accurately premises thereby preventing malicious people from forfeiting their actions for the safety purposes as taught by Naidoo (col. 2, lines 15-52).

Regarding claim 47, the examiner takes the official notice that "a third party for use in generating reports" is well known in the art.

Regarding claim 48, Kulesz discloses an Internet access for the customer to access the security status corresponding to the asset monitored for the customer (col. 5, lines 17-18).

Regarding claim 49, Kulesz discloses an automated method for monitoring a security status of a plurality of assets (fig. 1) comprising: providing a plurality of agents to a customer, each one of the plurality of agents connected with an asset for monitoring a security of the asset to generate a security status (col. 5, lines 19-53); providing a server (control 37) in communication with the plurality of agents (fig. 1); the server (control 37) receiving a security status from the pluralities of agents (fig. 1); analyzing the received security status to detect a security threat to the asset with which a corresponding one of the plurality of agents is connected (col. 8, lines 21-60); generating an output in response to the detected security threat in accordance with a process (col. 6, lines 20-67).

Kulesz discloses all the limitations above but fails to explicitly disclose the step of compiling the received security status at the server; generating a report from the compiled security; and transmitting the report to the customer.

However, Naidoo discloses the step of compiling the received security status at the server (col. 14, lines 43-49); generating a report from the compiled security (col. 12, lines 6-17); and transmitting the report to the customer (col. 12; lines 6-17; col. 13, lines 26-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Naidoo in Kulesz. Doing so would modify Kulesz's system with Naidoo's system by arming and disarming the security system to monitor accurately premises thereby preventing malicious people from forfeiting their actions for the safety purposes as taught by Naidoo (col. 2, lines 15-52).

Regarding claim 50, Kulesz discloses a plurality of agents to a customer comprises leasing the plurality of agents to the customer (fig. 1).

Regarding claim 52, Kulesz discloses the step of receiving a threat detection signal from the existing security system (col. 5, lines 19-37); and responding to the detected threat in accordance with the process (col. 5, lines 38-52).

Allowable Subject Matter

4. Claims 3, 14, 16, 33-37, 41-43, 51, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior arts fail to teach or make obvious: a loading master control unit for inventorying a cargo loaded into the mobile asset to generate a manifest and a communication channel for uploading the manifest to at least one of the agent, the master control unit and the computer system; retransmit the security status to second server; decrypting ciphertext to generate a plaintext security status.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Megerle (US 6,610,977) discloses a security system for NBC-safe building.

Levitan et al. (US 6,720,905) discloses methods and apparatus for detecting concealed weapons.

Dohrmann (US 6,288,642) discloses a self-contained security system.

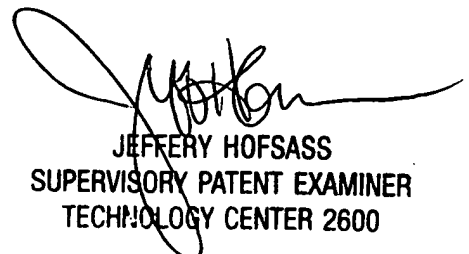
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl
Examiner
Art Unit 2636

DP
August 29, 2005.



JEFFERY HOFSSASS
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